

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

ANDREW JON HERMANN,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

CV 21-35-BLG-TJC

ORDER

On September 28, 2022, the Court remanded this case to the Commissioner for further administrative proceedings. (Doc. 22.) That same day, the Clerk of Court entered a separate judgment. (Doc. 23.)

Before the Court are two motions. First, Plaintiff filed a motion for attorney's fees and indicated the motion was opposed. (*See* Docs. 24, 25-7.) Now, however, the parties have filed a stipulation for an award of attorney's fees under the Equal Access to Justice Act ("EAJA"). (Doc. 26.) In the second motion, the parties stipulate to an award to Plaintiff of \$7,152.92 in attorney's fees.

Accordingly, IT IS HEREBY ORDERED that the first motion (Doc. 24) is DENIED as moot.

Pursuant to the parties' stipulation (Doc. 26), IT IS FURTHER ORDERED that Plaintiff is awarded attorney fees in the amount of \$7,152.92 in full

satisfaction and settlement of any and all claims Plaintiff may have under the EAJA in this case, and will satisfy all of Plaintiff's claims for fees, costs and expenses under 28 U.S.C. § 2412 in this case. This award is subject to offset to satisfy any preexisting debt that Plaintiff owes the United States pursuant to *Astrue v. Ratliff*, 560 U.S. 586 (2010) and the Treasury Offset Program, 31 U.S.C. § 3716. If the government determines Plaintiff does not owe a federal debt, then the government shall cause the payment of the award to be made directly to Plaintiff's counsel.

DATED this 6th day of January, 2023.



TIMOTHY J. CAVAN
United States Magistrate Judge